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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

A.B., et al.,

Petitioners,

v.

THE SUPERIOR COURT OF
MONTEREY COUNTY,

Respondent;

MONTEREY COUNTY DEPARTMENT
OF SOCIAL & EMPLOYMENT
SERVICES,

Real Party in Interest.

No. H038624

(Monterey County

Super. Ct. No. J39604)

S.B. (father) has filed a petition for writ relief challenging the juvenile court's order terminating reunification services and setting a selection and implementation hearing (Welf. & Inst. Code, § 366.26)¹ for his daughter A.B. A.B. has also filed a writ petition. A.B. and father contend that there was insufficient evidence to support the juvenile court's finding that the Monterey County Department of Social and Employment Services (Department) provided adequate reunification services for father. Father also

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise stated.

contends that there was insufficient evidence to support the juvenile court's finding that he failed to make substantial progress on the case plan. A.B. contends that she was denied due process and equal protection when the juvenile court did not allow her the opportunity to cross-examine two witnesses. We affirm.

I. Factual and Procedural Background

A. Prior Dependency Proceedings

In December 2004, the Department filed a petition alleging that A.B., who was then two years old, came within the provisions of section 300, subdivisions (b) (failure to protect) and (g) (no provision for support).² The petition alleged: S.D. (mother) abused drugs, mother frequently left A.B. in the care of her maternal grandparents, who had criminal histories for burglary, battery, cruelty to a child, and alleged physical abuse of the children, and mother's boyfriend had been accused of sexually abusing one of A.B.'s older siblings.³ The petition also alleged that father had a criminal history for battery, theft, and drug-related charges, was currently housed at Lancaster State Prison, and his earliest release date was January 2006. At the detention hearing, the juvenile court ordered supervised visitation for mother.

In March 2005, the jurisdiction/disposition report was filed. It stated that father was listed on the birth certificate, but he and mother never married, father never adopted A.B., father never received A.B. into his home, and father never lived with A.B. Father also had a lengthy criminal history beginning in 1998. His arrests and convictions were for drug use and physical violence. The report noted that mother was the only viable option to reunite with A.B., since father was incarcerated. The report recommended the

² Her seven-month-old brother J.F. was also the subject of the petition. J.F. has a different father.

³ A.B.'s two older siblings were living with their father B.B. and were not subjects of the dependency proceedings.

denial of reunification services for father. Following the uncontested hearing, the juvenile court found that father was the alleged father of A.B., declared A.B. a dependent of the court, and ordered that no reunification services be provided to father.

The report for the six-month review hearing stated that father was released from prison in June 2005 and had asked to be considered for reunification services. Father met with the social worker and made arrangements for an alcohol and drug assessment. He also stated that he had begun attending 12-step meetings and was testing two or three times a week with his parole officer. The social worker set up visits with A.B., but the social worker lost contact with father after two visits. Father was arrested in July 2005 for a parole violation. The Department recommended that there be no visitation between father and A.B. until the Department determined that it would be safe for the child or until order of the court. Following the September 2005 hearing, the juvenile court adopted the Department's recommendation.

The report for the 12-month review hearing, which was filed in February 2006, recommended continued reunification services for mother. The report stated that father had been released from prison in December 2005. Since that time, father had called A.B. approximately once a week and sent her gifts and letters. The social worker recommended that the phone calls continue and that there be supervised visitation at the Department if father requested visitation. Following the hearing, the juvenile court ordered visitation between father and A.B. as recommended by the Department.

The report for the 18-month hearing, which was filed in May 2006, recommended termination of reunification services for mother. Mother had been discharged from a residential treatment program due to program rule violations. The report also noted that father was "reportedly travelling around the state of California, with no permanent address." The Department recommended that there be phone calls and visitation if father requested it. The juvenile court adopted the Department's recommendations and set the matter for a permanency planning hearing.

Following the permanency planning hearing in November 2006, mother was given an additional six months of reunification services for A.B. The juvenile court ordered long term foster care for A.B. with the goal of returning her to mother's custody. The juvenile court found that mother had made substantial progress toward alleviating the causes requiring A.B.'s placement in foster care, but father had not done so. The juvenile court also found that mother had visited A.B. regularly, and the benefit to A.B. of continuing the relationship with mother outweighed the benefit of adoption. The juvenile court further found that visitation between father and A.B. would be detrimental to A.B.

In April 2007, the Department recommended that A.B. be returned to mother's custody with family maintenance services. Mother had been clean and sober for 28 months and had made significant progress in developing responsible parenting skills. The report also noted that after father was released from incarceration, the Department established a regular weekly visitation schedule between him and A.B. However, father had not consistently visited A.B. and she became emotionally upset and disappointed when he missed these visits. Father eventually informed the Department that he missed visits because it interfered with his work schedule. The Department then altered the schedule and informed father that if he continued to miss visits and cause distress for A.B., the appropriateness of the visits would be reconsidered.

In May 2007, the juvenile court returned A.B. to mother's custody, but prohibited mother from allowing visits between A.B. and father other than those arranged by the Department. The court also ordered father to "make more diligent efforts to ensure he [did] not miss visits."

The status review report, which was filed in October 2007, recommended maintaining the dependency of A.B., continuing A.B. in mother's home and continuing family maintenance services for mother. The report noted that father had been convicted of infliction of corporal injury on a spouse and was incarcerated at North Kern State Prison with a release date of January 26, 2012. The report stated that A.B. was

displaying signs of depression and sadness because several relatives had recently been incarcerated. A.B. had not visited father since his incarceration. A visit had been scheduled when father was incarcerated in county jail and before his transfer to prison. However, A.B. refused to visit him because she had bad memories of visiting him there in the past. Thus, the Department did not recommend visitation between father and A.B. because it was scary and uncomfortable for her.

In November 2007, the juvenile court found that visitation with father would be detrimental to A.B.

The status review report, which was filed in April 2008, recommended that the dependency be dismissed and sole custody be awarded to mother. The report noted that father remained incarcerated and recommended no visitation between father and A.B. until his release. The juvenile court adopted the recommendations.

B. Current Dependency Proceedings

On September 30, 2011, the Department filed a petition alleging that A.B., who was then eight years old, came within the provisions of section 300, subdivisions (b) (failure to protect) and (g) (no provision for support). The petition alleged that mother was homeless and had six children who were 13, 11, eight, seven, six, and 23 months. The two oldest children were living with their father B.B., the seven-year-old child had been adopted, the six-year-old child was living with his father T.F. A.B. and her sister, K.B., whose father was K.M.B., were the subjects of this petition. When the petition was filed, father was incarcerated at Mule Creek State Prison and unable to care for A.B.

The petition alleged that the Department had received a referral in August 2011, and during the investigation of this referral mother stated that she had been using drugs, she was homeless, and her daughters had been left with others. Following a Team Decision Making meeting with mother, paternal relatives and Department staff, the decision was made to place the children into protective custody.

The petition also alleged that father had a criminal and substance abuse history that impaired his ability to care for A.B. Father had been convicted of: (1) use/under the influence of a controlled substance in 1997; (2) use/under the influence of a controlled substance in 1998; (3) battery, battery on a peace officer/emergency personnel, disorderly conduct, public intoxication, and theft in 1999; (4) battery in 2000; battery on a spouse, cohabitant or former spouse, resisting, obstructing or delaying a peace officer, and cruelty to a child by endangering health in 2001; (5) assault with a deadly weapon or assault likely to produce great bodily injury in 2002; (6) attempt to commit threats of violence with a prior felony conviction in 2003; and (7) infliction of corporal injury on a spouse or cohabitant in 2007.

On October 3, 2011, a detention hearing was held. Father's counsel was present, but father was not. The juvenile court found that A.B. was a person described in section 300, found that continued care by the mother would be detrimental to her, committed her to the Department's custody, and ordered drug testing for mother.

On October 31, 2011, a family mental health assessment was prepared for the jurisdiction/disposition hearing. Neither parent participated in the assessment. Mother could not be located and father was incarcerated. A.B. had difficulty speaking about her life with mother. A.B. told the psychologist that father was in prison and had been there "since [she] was four." She also stated that he was "beating up [her] stepmom," and she knew this information because mother had told her. A.B.'s foster mother reported that A.B. "hates" father and does not want to write to him. A.B. indicated in testing that she is almost all the time "feeling afraid somebody will kill me." The psychologist found that A.B. was struggling with symptoms of anxiety due to her difficult history and recommended that she participate in therapy.

On November 23, 2011, the jurisdiction/disposition report was filed. The Department recommended that the petition be sustained as amended,⁴ A.B. be adjudged a dependent of the court, and reunification services be provided for mother and father. The report recommended that father participate in the family mental health assessment when he was released from prison. The report also stated that father had indicated that he had been using resources available to him while incarcerated, intended to do what was necessary to regain custody of A.B., and expressed a desire to change and to be a father to A.B. The report noted that A.B. did not want to visit father. The Department recommended that visitation occur between A.B. and father following his release from prison, if A.B. requested it and if deemed appropriate. The Department also recommended that father receive reunification services.

The case plan required mother and father to develop and demonstrate: (1) their ability to remain clean and sober by obtaining an alcohol and drug assessment, attending 12-step meetings, and participating in random drug testing as directed by the social worker; (2) their understanding of how their mental health had affected A.B. and their parenting by attending a family assessment appointment and following recommendations for mental health treatment; (3) their ability to participate in visitation as scheduled; and (4) their ability to obtain legal employment and adequate housing. The case plan also required father to: (1) demonstrate his ability to maintain a life free from crime and incarceration; (2) demonstrate his ability to live a life free of domestic violence; and (3) to follow the terms of his parole.

The jurisdiction/disposition hearing was held on November 30, 2011. Although his counsel filed an order to produce father for the hearing, father declined to attend. Father's counsel submitted on the report. Father did not object to the case plan. However, father's counsel and the Department's counsel agreed that the

⁴ The Department sought to amend the petition to reflect that father was currently incarcerated in prison in Coalinga and his release date was August 2012.

jurisdiction/disposition report would be amended to delete father's criminal history prior to 2002. Following the hearing, the juvenile court declared A.B. a dependent child, removed her from her parents' custody, placed her in the Department's custody, adopted the Department's findings and recommendations, and ordered the parties to comply with the case plan. A month later, the juvenile court ordered a court appointed special advocate (CASA) for A.B.

On February 29, 2012, the three-month review hearing was held. Father was present. The social worker, Lisa Haun, reported that A.B. had a difficult time adjusting to her placement, but eventually stabilized. She stole a tetherball at school and displayed sexualized behavior in foster care. Father was incarcerated at Pleasant Valley State Prison. He had stated that his earliest release date was May 9, 2012, but it was then extended to December 1, 2012. Father completed a parenting class, contacted the social worker monthly through phone calls or letters, and wrote appropriate letters to A.B. Father had stated several times that he wanted to reunify with A.B., but the social worker believed that the prognosis was poor due to the extension of his sentence. Father's counsel informed the court that father also took anger management and relationship classes and he would determine how to give the social worker the certificates of completion. The juvenile court did not change its previous orders.

On April 11, 2012, a mental health treatment update report was prepared. A.B. appeared content in her foster home, but repeatedly expressed sadness about being separated from both parents. The social worker had told A.B. that due to her parents' lack of availability to participate in reunification services with A.B., she would most likely be adopted by her current foster parents. A.B. stated that she would like to be adopted but was sad that she would likely not reunify with her parents.

On May 9, 2012, the six-month review report was filed. The Department recommended maintaining the dependency, continuing A.B. in out-of-home care, terminating reunification services for both parents, and setting the matter for a selection

and implementation hearing. The report stated that father was currently incarcerated at Pleasant Valley State Prison and his expected release date was February 27, 2013. Father had maintained contact with the Department through letters and phone calls on a monthly basis throughout the review period. He had completed parenting as well as alcohol and other drug booklets that the social worker sent him. His responses were appropriate and showed insight about the negative effects of substance abuse on his parenting. The social worker had received certificates of completion of two parenting classes that father took while incarcerated. Father had sent three letters to A.B., which she enjoyed receiving and reading during sessions with her therapist. The report also noted that father would remain incarcerated past the 12-month mark in the case, and thus it was unlikely that he would be able to satisfy the requirements of his case plan upon release. Father had not had visitation with A.B. because A.B. did not want to see him and he was incarcerated. However, A.B. wanted to receive letters from him. The Department recommended that visitation occur after father's release from prison if A.B. requested it and if deemed appropriate.

Regarding the prognosis of returning A.B. home, the report stated that mother's whereabouts were unknown and father remained incarcerated and unable to care for A.B. The report noted that father had been incarcerated for significant periods of A.B.'s life, which had a negative impact on his relationship with her. Due to his incarceration, father's case plan participation had been very limited, he had not been able to demonstrate substantial progress in addressing the issues that had brought A.B. into care, and he would remain incarcerated past the 12-month period in the case. The Department recommended that reunification services be terminated as to both parents because there was not a substantial probability that they could reunify with A.B. if provided with an additional six months of services.

On May 17, 2012, the CASA advocate filed a letter with the court. She reported that A.B. was doing well in school and in her current placement. A.B. missed mother

very much. She received letters from father and wrote to him. The CASA advocate believed that it was in A.B.'s best interest to terminate reunification services for both parents and move toward implementation of the permanent plan of either adoption or guardianship.

The May 30, 2012 six-month review hearing was continued at the request of father's counsel.

On June 20, 2012, the six-month review hearing was held. A.B. was present at the hearing. Mother requested that the matter be set for a contested hearing. Father waived his appearance. Father's counsel stated that father was going to submit on the report "unless something changes with [father]." Father's counsel also stated that his client was "active in doing everything he can with groups there. He has quite a history of doing stuff while he's in prison, although it's not enough -- I'll submit on the report."

On July 25, 2012, there was a readiness hearing settlement conference. Father's counsel stated that it had been difficult discussing the case with father because he was incarcerated and there was a question as to whether he had received reasonable reunification services. A.B.'s counsel advised the court that he was reserving any issues depending on the information that father's counsel would produce. The juvenile court stated that "as far as the contested hearing, it will be submitted on the reports already submitted to the Court and we will hear from counsel for the father with respect to his efforts to communicate with the father and learn what services, if any, were provided and what the father's response was."

On August 1, 2012, the contested hearing was held. Neither parent was present. The matter was submitted on behalf of mother. Both father's counsel and A.B.'s counsel stated that the sole issue was the adequacy of the reunification services that were provided by the Department. The juvenile court admitted into evidence father's declaration and eight pages of Department service logs.

Father's declaration stated that he had a "pending 602 appeal which most likely [would] have [him] released in October 2012, or earlier." He noted that there had been four social workers assigned to his case, but they did not contact him regularly. No social worker contacted his prison counselor. He had written to A.B. in March, April, May, June, and July 2012. He never received a response from the social worker as to when he could see A.B. He had been taking a criminal gang awareness class since 2010, and had completed two parenting classes and an anger management class. He held a job in prison. He had already arranged housing and a job upon his release from prison.

Patricia Rojas testified that she had been the social worker on A.B.'s case for "a little bit less" than a month. There had been three prior social workers assigned to A.B.'s case. They were, in order, Kathryn Richards, Haun, and Julie Savage. Rojas read into the record the relevant portions of the Department's service logs. A.B. wrote to father at the beginning of November 2011, which was progress, because she had previously stated that she did not want to write to him. A.B. "did well" reading a letter from father. On December 16, 2011, Haun wrote a letter to father to inform him of the change in social workers and provided father with contact and availability information. She also encouraged him to complete the parenting and sobriety packets and return them to her after they were completed. Haun spoke with father on January 5, 2012. He told her that he had completed the Friends Outside program while incarcerated and sent a copy of the certificate to his counsel. Father also reported that he believed that he would be released from prison on May 9, 2012, and would confirm this when his counselor returned from vacation. Father stated that he would continue writing to A.B. once or twice a week and that he was almost done with the packets that had been provided. On February 3, 2012, Haun sent a letter to father in which she provided an update on how A.B. was doing and informed him that there was a three-month review hearing scheduled for February 29, 2012. She also explained the nature of the hearing. On February 24, 2012, Haun spoke with father by phone. Father stated that he wanted to attend the

February 29, 2012 hearing and had requested transport. However, he had not yet received a response. Father also reported that he had received a card, which included a photograph, from A.B. Father stated that his sentence is “always changing” and he now believed that his release date would be December 1, 2012. He did not know why his sentence was extended. On April 27, 2012, Haun wrote to father to give him an update on A.B. and provided him with contact information for Savage.

Rojas testified that since she was confused about father’s release date, she inquired further and learned that it was December 11, 2012. According to Rojas, there was a record of three letters from father to A.B. She explained that there was no indication that father had tried to communicate with A.B. since February. According to Rojas, father had been incarcerated for significant periods of A.B.’s life and this had negatively impacted his relationship with her. Since father’s participation in his case plan was limited due to his incarceration, he had not been able to demonstrate substantial progress in addressing the issues that brought A.B. into care. Rojas agreed with the recommendations in the May 9, 2012 report that reunification services be terminated and the matter set for a selection and implementation hearing.

Rojas acknowledged that father was completing parenting books as well as alcohol and other drugs workbooks and his responses were appropriate. She was not aware that he had requested visitation. She had not spoken to Haun, who had written the May 9, 2012 report. Rojas had not spoken to father and she was not aware that Savage, a previous social worker, had never spoken to father. Rojas had not contacted father’s prison counselor and she was not aware of the services that were available at Pleasant Valley State Prison in Coalinga. She was not aware that father took parenting classes or an anger management class, but she was aware that he “belonged” to a criminal gang anonymous class. She was not aware that he had a job in prison, that he had arranged employment and housing once he was released from prison, or that he might be released in October or November 2012. She did not know why father was incarcerated.

A.B.'s counsel sought to cross-examine Rojas regarding the content of father's letters to A.B. The juvenile court sustained an objection on the ground of relevancy.

A.B.'s counsel objected to the admission of the CASA report on the ground that the CASA advocate was not an expert. After the juvenile court questioned Tameka Hill, a CASA advocate supervisor, regarding the CASA advocates' training, it denied A.B.'s counsel's request to cross-examine or to call the CASA advocate.

Following argument, the juvenile court adopted the findings and recommendations of the Department, terminated reunification services for both parents, and set the matter for a selection and implementation hearing on November 14, 2012.

II. Discussion

A. Reunification Services for Father

Father and A.B. contend that the juvenile court erred in terminating reunification services because there was insufficient evidence that the Department provided reasonable reunification services to father.

“[The Department] ‘must make a good faith effort to develop and implement a family reunification plan. [Citation.] “[T]he record should show that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained reasonable contact with the parents during the course of the service plan, and made reasonable efforts to assist the parents in areas where compliance proved difficult” [Citation.]’ [Citation.] ‘The standard is not whether the services provided were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances.’ [Citation.]” (*In re T.G.* (2010) 188 Cal.App.4th 687, 697.)

Section 361.5 governs the provision of reunification services. Regarding incarcerated parents, it states in relevant part: “If the parent or guardian is incarcerated or institutionalized, the court shall order reasonable services unless the court determines, by

clear and convincing evidence, those services would be detrimental to the child.”

(§ 361.5, subd. (e)(1).) “In determining the content of reasonable services, the court shall consider the particular barriers to an incarcerated or otherwise institutionalized parent’s access to those court-mandated services and ability to maintain contact with his or her child, and shall document this information in the child’s case plan.” (*Ibid.*) “An incarcerated parent may be required to attend counseling, parenting classes, or vocational training programs as part of the reunification service plan if actual access to these services is provided.” (*Ibid.*)

This court reviews the juvenile court’s finding that reasonable reunification services were provided or offered to a parent under the substantial evidence standard. (*Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1010.) Thus, we view the evidence in the light most favorable to respondent. (*Ibid.*)

Here, the Department identified the problems leading to the dependency, and the juvenile court sustained the petition alleging that father was currently incarcerated and had a criminal and substance abuse history that impaired his ability to care for A.B. The Department devised a case plan to remedy these problems, which included maintaining contact with father through letters and phone calls on a monthly basis. During the first two months of the dependency, the social workers facilitated the transmission of letters between father and A.B., provided him with parenting and sobriety packets, encouraged him to complete them, notified him of the change in social workers, and provided him with contact and availability information. Though the Department did not refer father to services available to him in prison, there was no reason to do so since he had already begun his participation in these services. In January 2012, the social worker spoke to father on the phone. He told her that he had completed the Friends Outside program and that he would continue writing to A.B. The following month, she provided father with an update on A.B. and explained the nature of the three-month review hearing. She then spoke with father shortly before the scheduled hearing and he informed her that his

release date had changed to December 2012. In April 2012, the social worker wrote to father, providing him with an update on A.B. and contact information for the new social worker. She had received two certificates indicating that father had completed parenting classes. She had also received his responses to the parenting and drug booklets and found them appropriate. Thus, there was sufficient evidence that the Department provided reunification services addressing father's substance abuse problems and parenting skills.⁵

Both father and A.B. argue that the juvenile court improperly relied on father's convictions dating back to 1993 because the court had earlier ordered that his convictions that were more than 10 years old would not be considered in evidence. The record does not support their argument.

Here, the juvenile court questioned father's counsel about his reference in argument to father's criminal history and the omission of father's substance abuse history. Father's counsel reminded the court that this portion of defendant's criminal history had been excluded from the jurisdiction/disposition report. The juvenile court then acknowledged that father had not been convicted of a drug-related offense in the last 10 years.

A.B. argues that the case plan did not take into account father's incarceration. She points out that he was required to contact a drug testing agency in Salinas, to arrange for an appointment for counseling, and to provide his own transportation, even though he was incarcerated. Since the case plan was written to include mother, father, and father of K.B., certain portions of it did not apply to father while he was incarcerated. Nevertheless, when the case plan was prepared, it was anticipated that father would be

⁵ While father points out that Rojas was unaware of his efforts in completing classes in prison, the record establishes that his previous social workers documented his participation in these classes. Father also notes that Rojas never spoke to his prison counselor and there was no evidence of the additional services that were available to him. However, there was no issue as to whether father failed to comply with additional services that were available in prison.

released in August 2012, and thus he would have been able to comply with these provisions of the case plan at that time.

Father and A.B. also contend that the Department failed to provide visitation despite father's request.

"Visitation 'shall be as frequent as possible, consistent with the well-being of the child.' (§ 362.1, subd. (a)(1)(A).) However, '[n]o visitation order shall jeopardize the safety of the child.' (§ 362.1, subd. (a)(1)(B).) It is ordinarily improper to deny visitation absent a showing of detriment. [Citations.]" (*In re Mark L.* (2001) 94 Cal.App.4th 573, 580.)

Here, the juvenile court did not find that visitation would be detrimental to A.B. However, father was incarcerated in a prison that would have involved an out-of-county trip for A.B. More importantly, nine-year-old A.B. had never lived with father who had been incarcerated for most of her life, had expressed her hatred of him, and had had a negative experience when she visited him in jail. Consequently, she did not want to visit him in prison. Thus, the Department made reasonable efforts to assist father by encouraging improvement in father's relationship to A.B. through letter-writing. Based on these circumstances, the juvenile court properly adopted the Department's recommendation that visitation occur after father was released from prison.⁶

In sum, there was substantial evidence to support the juvenile court's finding that the Department provided reasonable reunification services to father.

⁶ We also note that the case plan stated that visitation between father and A.B. would begin after father's release from prison. Neither father nor A.B. objected to this provision until the August 1, 2012 hearing. A parent may not wait "'silently by until the final reunification review hearing to seek an extended reunification period based on a perceived inadequacy in the reunification services occurring long before that hearing.'" [Citation.]" (*Earl L. v. Superior Court* (2011) 199 Cal.App.4th 1490, 1505.)

B. Progress on the Case Plan

Father also contends that there was insufficient evidence to support the juvenile court's finding that he failed to make substantial progress on his case plan. We disagree.

The juvenile court shall extend the time period for provision of reunification services "only if it finds that there is a substantial probability that the child will be returned to the physical custody of . . . her parent . . . within the extended time period or that reasonable services have not been provided to the parent or guardian. In determining whether court-ordered services may be extended, the court shall consider the special circumstances of an incarcerated . . . parent . . . , including, but not limited to, barriers to the parent's . . . access to services and ability to maintain contact with his . . . child. The court shall also consider, among other factors, good faith efforts that the parent . . . has made to maintain contact with the child." (§ 361.5, subd. (a)(3).)

In order to find that there is a substantial probability that the child will be returned to his or her parent, the juvenile court must find that a parent regularly visited the child, made significant progress in resolving the problems that required removal of the child, and demonstrated the ability to complete the objectives of the case plan and provide for the child's safety, protection, and well-being. (§ 366.21, subd. (g)(1).)

In the present case, though father made good faith efforts to maintain contact with A.B. and completed parenting and substance abuse programs in prison, he failed to make sufficient progress on his case plan or to alleviate the causes necessitating placement of A.B. in foster care. A.B. is now 10 years old and has spent much of her life in dependency proceedings. Father has been in and out of prison or jail for A.B.'s entire life, thus demonstrating that he has been unable to maintain a life free from crime and incarceration. When father was out of custody, he did not live with or provide for her care. In the prior dependency, father's visitation with A.B. was unsuccessful due to repeated incarcerations and his travels. In the current dependency, father has been incarcerated since A.B. was placed in foster care. Father submitted a declaration

indicating that he had a pending appeal which might have him released from prison in October 2012. However, Rojas testified that his release date was in December 2012. Regardless of the date of his release, father would be unable in the short time remaining for reunification to demonstrate that he was able to provide for A.B.'s care. Thus, there was substantial evidence to support the finding that there was not a substantial probability that A.B. would be placed in father's care if reunification services were continued.

C. Admissibility of Evidence

A.B. argues that the juvenile court erred when it did not allow her counsel to cross-examine Rojas regarding the letters between father and A.B. She claims that she was deprived of due process and equal protection.

“‘Relevant evidence’ means evidence . . . having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action.” (Evid. Code, § 210.) This court reviews the juvenile court's determination as to the admissibility of evidence under the abuse of discretion standard. (*In re Cindy L.* (1997) 17 Cal.4th 15, 35.)

Here, the sole issue at the hearing was whether the Department had provided reasonable reunification services to father. The letters between father and A.B. were not relevant to this issue. Accordingly, the juvenile court did not abuse its discretion and A.B. was not deprived of due process and equal protection.

A.B. also contends that the juvenile court erred in admitting the CASA report without allowing her counsel the opportunity to cross-examine the CASA advocate or to voir dire her as to her qualifications to testify as an expert. Thus, she claims that she was deprived of due process and equal protection. There is no merit to this contention. There was nothing in the CASA report addressing the issue of reunification services. Thus, the juvenile court did not err.

III. Disposition

The petition is denied.

Mihara, J.

WE CONCUR:

Premo, Acting P. J.

Márquez, J.